

Career Executive Assignments Frequently Asked Questions

Eligibility to Compete and Posting of CEA Exams

1. *Should Departments administer an examination to fill a CEA vacancy?*

In order for candidates to obtain list eligibility it is necessary to conduct a competitive examination as described in the California Code of Regulations Section 548.40. On April 28, 2000, the Third Appellate District Court issued a published decision in *Alexander v. State Personnel Board*, the court stated “in order to be competitive a CEA examination had to include comparison of the relative merit of each candidate”. SPB amended Section 548.40 to comply with the court’s decision.

Candidates that have prior appointment history to a CEA position, or are currently in a CEA position may have transfer and reinstatement eligibility to a CEA position, for more information see Questions #12, 13, and 14. Currently there is no requirement that a department must first test prior to filling a CEA position through transfer or reinstatement, however it is a best practice to first administer the examination to allow all eligible interested candidates the opportunity to apply and compete. Once the exam has been completed it is then possible to determine that the best candidate is in fact eligible through list eligibility, transfer or reinstatement.

2. *Who is eligible to apply for CEA exams?*

Individuals who meet the minimum qualifications and have permanent civil service status as described in Government Code 19889.3. Legislative employees who meet the criteria described in Government Code 18990 including 1) have been employed by the Legislature for at least two consecutive years (the two consecutive years do not have to be current); and 2) they are currently employed by the Legislature or have resigned or been released from service for one year following their resignation or release. Exempt employees who meet the criteria described in Government Code 18992 including 1) have been appointed as an executive branch exempt employee for at least two consecutive years (two consecutive years do not have to be current); and 2) are currently employed or have been released or resigned for up to one year. For details refer to Government Code Sections 19889.3, 18990, and 18992.

3. *Where are CEA Exam Bulletins posted?*

Departments are required to post their CEA Bulletins for a minimum of ten working days, on the SPB On Line Bulletin System (OLBS), which allows Departmental Representatives to directly post and manage their department’s CEA Exam Bulletins (and Exempt Announcements) on-line. The OLBS has replaced the practice of using the SPB Telephone Information Lines for posting

CEA Exam Bulletins. The standard distribution for CEA bulletins is service-wide.

4. *Can a Department choose to only advertise internally for a CEA exam?*

No, for the CEA band classification, class code 7500, departments must publicize examinations for CEA positions as widely as practicable. Departments should develop a recruitment plan in conjunction with their initial examination planning process. Departments are required to post their CEA Bulletins for a minimum of ten working days, however as a “best practice” SPB encourages departments to advertise their CEA exams, for as long as possible, preferably for a time frame close to one month. It is at the testing agencies' discretion to determine the exact length of the publicity period for their examinations, as long as they meet the minimum publicity period for examinations of ten working days.

For comma CEA classifications (parallel classes) it is necessary to consult the original Board Item which created the class to determine if the Minimum Qualifications were developed specifically for recruitment outside state service, if so it is necessary to consult with SPB prior to making the determination to only advertise internally for the CEA exam. For additional information contact SPB.

5. *Can more than one CEA position be filled from the same exam list?*

Yes, SPB Selection Manual Section 5650 explains that while the CEA selection process has been designed to focus on individual positions, departments may, if they desire, test for a group of common positions as long as those positions are determined to be substantially the same, and are at the same CEA level. The exam bulletin must clearly state that the eligibility list may be used to fill multiple vacancies. The titles of the additional positions must be listed on the bulletin. For details refer to California Code of Regulations 548.41, 548.30, and Selection Manual Section 5650.

6. *How should a department conduct an examination for a comma CEA class (CEA classes that are not class specification 7500 Level I-V class)?*

The majority of CEA positions are designated to the class code 7500 Level I-V, however there are a few class specific, or comma CEA classes utilized on a more limited basis by the state departments. The intent of the civil service CEA classes is that they be administered on an open basis (statewide- broad and inclusive recruitment). These CEA classes were established typically because the expertise cannot be found within state service, and the majority of these classes include an open pattern. The MQs for these classes were tailored to a specific technical body of work while the MQs for the 7500 emphasize broad managerial and policy influencing skills. When the exam is given on an open basis and a state civil service employee is appointed, he/she must be appointed as a CEA. If the appointment is made from an open hire, he/she is appointed to the civil service class.

7. *Can a department use an E&E examination for a CEA position?*

No, CEA classifications are at the managerial level, therefore, they fall under Government Code 19057.2, which requires they use six ranks scoring and cannot utilize the E&E feature since it only uses three ranks scoring. SPB California Code of Regulations Section 548.40 Competitive Examinations states that examinations for CEAs must be competitive and successful candidates shall be divided into six ranks. For more information regarding the types of exams appropriate for CEA allocations and how to develop a ranked list for a CEA exam refer to CCR 548.40.

8. *Is it required to list the CEA level on the Bulletin?*

Yes, CEA levels are utilized for merit purposes including testing, transfer, reinstatement, and return rights and the level of the CEA position must be listed on the Exam Bulletin. Separate criteria is used to determine a candidate's fitness for a specific CEA level as outlined in the Knowledge, Skills, and Abilities section of the Minimum Qualifications for the CEA class code 7500.

9. *How long can a CEA eligible list be utilized?*

SPB has given guidance to departments that CEA eligible lists should not be utilized for more than twelve months, as stated in the Selection Manual Section 5650. As outlined in CCR Section 548.30, the original examination bulletin must state the time period for which the results of the original competition shall be used; therefore, the exam bulletin must indicate how long the eligibility list may be utilized. If no such language appears on the bulletin, then the eligibility list is automatically abolished once an appointment has been made from the list. Please note: G.C 18901.5, regarding indefinite list extensions is only for dated lists of which CEAs are not and therefore does not apply to CEA exams

10. *Can an incumbent's eligibility be transferred from one CEA list to another?*

No, CEA exam list eligibility may not be transferred from one eligible list to another. The intention of CEA examinations is that they are position specific. CEA exam eligible lists do not meet the requirements of GC 18950, which allows transfer from list to list; therefore, candidates must test separately for each examination.

11. *Can a CEA eligible list be merged?*

If a department does not receive an adequate number of qualified candidates, they can re-issue the bulletin and merge the eligible list as long as the exact same selection process is utilized. It is important to note that since the CEA exam process is position specific, once an appointment has been made from the eligible list, the list itself expires, unless the department included language on the bulletin indicating that subsequent vacancies in this position may be filled from the established eligible list (up to a maximum of twelve months).

Transfer/Reinstatement

12. *Can a CEA vacancy be filled through Transfer or Reinstatement?*

Yes, Departments do have the discretion of filling vacant CEA class code 7500, Level I-V positions through transfer or reinstatement as outlined in the California Code of Regulations Sections 548.90 and 548.95; however, as a “Best Practice” SPB recommends that appointing authorities should only consider filling CEA positions through transfer or reinstatement after conducting a CEA examination, thus allowing all interested eligible candidates the opportunity to apply. Only once the appointing authority has conducted the CEA examination is it possible to fairly determine if the best candidate for the position is eligible through transfer or reinstatement. When determining transfer or reinstatement eligibility the CEA level of the previous and current appointment must be taken into consideration.

13. What are the requirements for an individual who previously held a CEA appointment to be reinstated to a CEA appointment?

The position to which the individual was previously appointed must have been to a equal or higher CEA level than the position the individual is being reinstated to and the incumbent currently must have permanent civil service status. Note: If the incumbent has left civil service they must first reinstate to a civil service class and pass probation, in order to attain current permanent status. For details refer the California Code of Regulations Section 548.90.

14. What are the requirements for an individual who was previously appointed as a CEA to transfer into another CEA appointment?

The CEA level the incumbent was previously appointed to must be at the same or higher level than the CEA level of the CEA position incumbent is being transferred into, and that the incumbent must have current permanent civil service status. For details refer to California Code of Regulations Section 548.95.

Please note that it is not appropriate to transfer an individual in a class specific CEA civil service class (classes outside of the class code 7500 band Level I-V) into a CEA class code 7500 Level I-V position. Appointment to a class specific CEA position does not provide eligibility to transfer into the 7500 Broad Band Level I-V CEA classification. For more information see the repeal of CCR 548.96.

15. Can a civil service employee be transferred to a CEA?

Transfers from a non-CEA position into a CEA position are not permitted; appointments must be made by competitive examination. For details refer to SPB Policy Memo dated June 26, 2002 on the Repeal of SPB Rule 548.96, Transfer of Employee from General Civil Service to a Career Executive Assignment.

Other Appointment Questions

16. Can a retired annuitant be appointed to a CEA position?

Exam Eligibility

In terms of competing in CEA Examinations retired annuitants do not have current permanent civil service status and therefore do not meet the requirements of GC 19889.3, and CCR 548.70 to participate in CEA examinations.

Reinstatement

If an individual previously held a CEA position and has subsequently retired from State Civil Service and presently wish to reinstate to a CEA position on a full time basis they do not meet the criteria of CCR 548.90 to reinstate into a CEA position, or the criteria of CCR 548.95 to transfer into a CEA position unless they first reinstate back into a civil service position and obtain current permanent civil service status.

Working as a Retired Annuitant

An individual who retired from a CEA position may be brought back to perform duties of a CEA position as a retired annuitant as outlined in GC 19144.

17. If a department upgrades the Level of an existing CEA position that is currently filled can the individual be automatically promoted in place?

No, CEA levels are utilized for merit purposes including, testing, list eligibility, transfer, reinstatement and return rights. If a filled CEA position is evaluated and the approved level for that position is elevated, the incumbent in the position must have previous eligibility to the higher CEA level or compete in a new examination for the position which takes into account the revised CEA level.

18. Can a CEA Position be filled as a TAU?

No, TAUs are not permitted. The CEA selection process is, by design, flexible enough to provide for quick examinations, therefore precluding the need for TAU's. TAU appointments may only be made to permanent positions, and CEAs are not considered permanent appointments.

19. If a Department conducts the examination for a CEA eligibility list as a Qualification Appraisal Panel (QAP) should the exam be recorded?

Yes, it is recommended that if the examination was a QAP, copies of the taped interviews should be retained in the exam file. It is recommended that all examinations conducted as structured interviews (QAPs) should be taped, including CEA examinations. In particular if it is departmental practice to tape QAP examinations for general civil service examinations they should apply the same practice to CEA examinations.

20. Are Departments required to post their CEA exams on the OLBS and VPOS?

Departments are required to post their CEA Bulletins on the On Line Bulletin System for a minimum of ten working days. For more information about the OLBS please refer to the Services Page of SPB website
<http://www.spb.ca.gov/services.htm>

Each CEA Exam is generally utilized to fill one position, the CEA Bulletin is viewed by many State Departments as both an Exam Bulletin and a Vacancy Announcement. Department representatives are not required to do so but have the option of posting their CEA Bulletins on VPOS.

CEA Allocation Establishment

21. Is it necessary to submit a proposal to SPB for an existing CEA position when the duties have changed?

Yes, if there have been any significant changes to the CEA position, such as organizational placement, reporting levels, policy developing responsibilities, or major duties, the Department should submit a new proposal to SPB. SPB will evaluate the position based on its current responsibilities to determine if it meets the criteria for a CEA allocation. If at any point it is unclear if there have been significant changes to a CEA allocation, the department should contact SPB prior to filling the position to discuss the changes and determine if it will be necessary to submit a revised package.

22. If a department has not utilized a CEA allocation concept for a significant period of time, can they automatically “re-active” the position without SPB approval?

No, Departmental representatives should assess when the CEA allocation concept was last utilized. If the allocation concept has not been utilized for a significant length of time, departmental staff should not assume that the approval for the CEA allocation continues to exist. CEA positions are approved in part based on the department's representation that the position is essential for the success of departmental program(s) and mission, if a allocation has not been utilized for a significant period of time (six months to one year or longer), the department should consult SPB METR Division staff prior to refilling the position. Depending on the circumstances SPB staff may need to assess the concept of the position to determine if there have been any significant changes since the original approval and if the position would continue to warrant a CEA allocation. Issues SPB staff would assess include: have any additional positions taken on any of the responsibilities previously assigned to the CEA allocation; have there been any changes in organizational placement; any change in reporting level; any changes in supporting staff, etc. Each situation will be assessed on a case-by-case basis.

23. If a department chooses to fill a position concept allocated to the CEA category with a Exempt entitlement or a civil service class can they later fill the position as a CEA without control agency approval?

No, once a department determines that it best fits their program needs to fill a position allocated to the CEA category with an Exempt entitlement or a civil service class, SPB considers the approval for the CEA allocation abolished. If at a later date the department wishes to refill the position as a CEA they must first contact SPB and obtain approval. Separate criteria is applied to determine if a position meets the CEA criteria, should be designated as an Exempt entitlement or

filled with a civil service class. Exempt, CEA and civil service classes are not considered interchangeable.

24. *What was the CEA conversion period?*

In 1996 DPA & SPB implemented a process that allowed for the conversion of managerial positions to CEA allocations that were identified as meeting the interpretation of the CEA criteria at that time. Incumbents in the identified positions had the option to convert to a CEA or stay in their current civil service class. The conversion period took place during a six-month period ending June 30, 1996.

25. *What happens to CEA positions which were converted or identified for conversion when they become vacant?*

When a position which was converted to a CEA becomes vacant the department is not required to submit a proposal to SPB before refilling the position as long as there have been no significant changes to the position. If there have been any significant changes to the position in policy development responsibilities, duties, reporting level, etc, then the department is required submit a proposal to SPB. If departments have any questions as to whether the position would meet the current interpretation of the requirements for a CEA, they should contact SPB before refilling the position.

If the position was flagged for conversion and the incumbent opted to stay in his/her civil service classification, the position may not be automatically converted once it becomes vacant. The conversion period ended June 30, 1996 and there is no current process for automatic conversion in place. If departments wish to establish the position as a CEA, they are required to submit a proposal to SPB.

Other CEA Related Questions

26. *When determining an employee's return rights after his/her CEA position has been terminated, should the department use the salary range designated to the CEA level the incumbent was appointed to, even if the actual salary the individual was paid was higher?*

When determining the incumbent's return rights the department must utilize the salary range for the CEA level to which the incumbent was appointed.

Departments do have the discretion to pay the incumbent above the salary range for the level the CEA position is allocated; however, this figure cannot be used when calculating return rights. The designated salary range for the CEA level must be utilized. For more information, see California Code of Regulations Sections 548.150, 548.151, 548.152, 548.153, and Section 8.1 of the Civil Service Pay Scale.

27. *If an employee's CEA appointment is terminated and the employee qualifies for Mandatory or Permissive Reinstatement rights as outlined in California Code*

of Regulations 548.151, 548.152 or 548.153 and is placed into a civil service position; can the department key this transaction as a AO1 list appointment?

No, when an employee is terminated from a CEA position and is reinstated into his/her former position; or to another position based on the incumbent's improved permissive or improved mandatory rights, the department must key this transaction as an AO3 reinstatement. For more information, see California Code of Regulations Sections 548.150, 548.151, 548.152, and 548.153.

28. In determining a lateral transfer, if the employee's highest AO1 appointment was at a CEA level can this CEA appointment be used in determining a transfer into a civil service class?

No, while a CEA appointment is an AO1 appointment, the individual does not attain permanent status in a CEA appointment. Therefore the general transfer rules do not apply (which state that the only appointments that can be used for transfer purposes are permanent appointments). The only transfer rules which do apply to CEA appointments are: CCR 548.94 which addresses CEA transfers to other CEA positions; and 548.150, 548.151, and 548.152, which deal with reinstatement following termination of a CEA appointment. It is not appropriate to use the CEA appointment to determine the highest AO1 for purposes of determining transferability to general civil service classes.

For Questions Contact:

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